CLASSIFICATION OFFICE DECISION

Title of publication:	tabbi+(26).jpg_500.jpg
Other known title(s):	Not stated
OFLC ref:	1400083.012
Medium:	Computer Image File
Publisher:	Not stated
Country of origin:	Not stated
Language:	Not applicable
Applicant:	Secretary for Internal Affairs
Classification:	Objectionable.
Descriptive note:	None
Display conditions:	None
Date of entry in Register:	15 April 2014
Date of direction to issue a label:	No direction to issue a label has been issued
Date of notice of decision:	15 April 2014

Summary of reasons for decision:

The image file exploits the nudity of a child to a degree that renders its availability likely to be injurious to the public good. The image depicts a naked girl of approximately 9-11 years of age as she takes part in a group activity in what appears to be a naturist context. While the image may not have been produced with prurient intent, it has been closely cropped to focus solely on her immature young body and sexual characteristics. The image is one of a series depicting the same girl that appear to have been sourced from the Internet and seems intended for people with a sexual interest in pre-pubescent girls. Given the tight framing around the girl no plausible alternative purpose seems likely, supporting the conclusion that a young girl's nudity is being exploited with sexual intent.

The classification of this publication interferes with the right to freedom of expression set out in the New Zealand Bill of Rights Act 1990. However, this is an outcome that is consistent with Parliament's intention and is a reasonable limitation on the freedom of expression. The classification reflects the concern of a free and democratic society to protect its young and vulnerable members from exploitation.